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REMARKS*Claim disposition*

Claims 4, 7-9, 11-15, and 18 are cancelled without disclaimer or prejudice, as explained below.

Claims 1, 5, 6, 10, and 17 are amended as explained below. New claim 19 is added. Claims 1-3, 5, 6, 10, 16, 17, and 19 will be pending in the application upon entry of this amendment.

Claims 8-9, 11-15, and 18 are cancelled pursuant to finalization of the restriction. The remaining cancellations and amendments are made in consistency with the cancellation of these claims pursuant to the restriction, and/or in order to facilitate prosecution and allowance of the retained claims as further explained below. Applicants hereby reserve the right to file divisional applications or take any other such appropriate measure to prosecute the amended or cancelled subject matter.

Drawings

The Office Action indicates that Figures 3-5 and 7 are objected to. It is respectfully requested that these objections be deferred until final allowance.

Withdrawal of the Claim Objections is respectfully requested

Items A, B, and C of Paragraph 3, Page 2, of the Office Action state the Claim Objections. In response to items A and B, claim 1 is amended to designate the steps therein, as "(a)"-"(f)". In response to item C, claim 17 is amended to depend from claim 16. Accordingly, these objections to claims 1, 7, and 17 should be withdrawn.

Withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested

Claims 1-6, 16 and 17 were rejected under 35 U.S.C. § 112, first paragraph; the Office Action indicating lack of enablement for the claimed assays measuring Erk-2 activation. The Office Action further indicates that the specification, "while being enabling for a method of

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detecting gabapentinoid activity using mGluR or NK1-expressing cells", does not provide an enabling disclosure encompassing cells which do not express these receptors.

To facilitate prosecution and the allowance of the claims under consideration, independent claim 1 is amended to include a limitation drawn to "...host cells that express the NK receptor...". See amendment to step (a), claim 1. Support for this amendment of claim 1 is found throughout the specification. For example, see page 9, final paragraph of the specification. Step (d) of claim 1, and claim 5 is amended in consistency with this amendment of step (a) of claim 1.

While Applicants are in agreement with the Office Action that the specification is enabling for a method of detecting gabapentinoid activity using mGluR or NK1-expressing cells, Applicants respectfully assert that the specification is further enabling for methods drawn to detecting gabapentinoid activity using NK-expressing cells; as set forth in step (a) of amended claim 1. For example, the final paragraph of page 9 includes a description of stimulation of Erk-2 activity by activated NK-1, NK-2, or NK-3 (or any combination of the three receptors) and that "NK expressing cells are engineered to incorporate reporter constructs..."; the first paragraph of page 11, lines 4-5 includes a description of "...stimulation of the NK receptor with a NK receptor agonist". Furthermore, page 6, lines 13-14 of the specification includes description directed to substance P, an NK receptor agonist "...that acts through the NK1, NK2, and NK3 receptors".

Thus, Applicants submit that the specification fully teaches how to make and use the claimed invention, and that the claims are commensurate in scope with the teachings of the specification. Accordingly, Applicants submit that this rejection of the claims under consideration is obviated. Therefore, Applicants respectfully request that this rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

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Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested

Claims 1-6, 16 and 17 were rejected under 35 U.S.C. § 112, second paragraph; the Office Action indicating that the claims omit an essential step. As stated above, claim 1 is amended to include a limitation drawn to "...host cells that express the NK receptor...". Thus, this rejection of the claims is clearly obviated with respect to claims 1-3, and 5-6.

Claims 16 and 17 are not drawn to a method claim. Accordingly, Applicants submit that this rejection of claims 16 and 17 is not proper.

Regarding the statement in the Office Action indicating that claim 1 should include a "conclusion step" which demonstrates that the claimed goal has, in fact, been achieved; Applicants are not aware of such a requirement, and respectfully request clarification. Alternatively, in light of the fact that claim 7 is deemed allowable if rewritten in independent form (page 5, paragraph 7 of Office Action), such a requirement; if any, should not be applicable to claim 1 as amended.

Therefore, Applicants respectfully request that this rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Re paragraph 6, page 5, of the Office Action entitled Prior Art

While Applicants are in agreement with Paragraph 6, page 5, of the Office Action indicating that the claimed methods of screening compounds using mGluR or NK1 receptor-expressing systems are novel and unobvious; Applicants submit that this finding of novelty and unobviousness extends to such claims drawn to the claimed methods utilizing cells that express the NK receptor.

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CONCLUSION

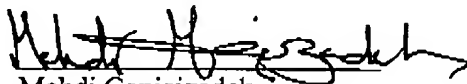
In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is respectfully solicited.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper to Deposit Account No: 23-0455.

In the event the Examiner wishes to discuss any matter concerning this application, he is welcomed to communicate with the undersigned by telephone.

Respectfully submitted,

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